BOARD OF REVIEW DECISION

Title of Publication: Grand Theft Auto IV (Unedited Version)

Other Known Title: GTA 4

Medium: Console Game

Director/Author: Not Stated

Producer/Publisher: Leslie Benzies

Country of Origin: United Kingdom

Language: English

Applicant: Society for Promotion of Community Standards

Distributor: First Games Ltd

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Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Descriptive Note: Contains violence, offensive language and sex scenes.

Display Conditions: Nil

Date of entry in Register: 03 October 2008

Date of direction to issue a label: 26 September 2008

OFLC No: 801923

Unexcised version of publication:

	Components	
Game:	Grand Theft Auto IV (Unedited Version)	

Excisions: No Excisions Recommended

Reasons for excisions:

Not Applicable

Summary of reasons for classification:

SUMMARY OF REASONS FOR DECISION:

Section 3(1) of the Films, Videos, and Publications Classification Act 1993

The Film and Literature Board of Review (the Board) finds *Grand Theft Auto IV (Unedited Version)* passes through the gateways of sex, crime, cruelty and violence in that it describes, depicts or expresses, or otherwise deals with" those matters in such a manner that the unrestricted availability of the publication is "likely to be injurious to the public good".

Sex

The Board finds that matters of sex are dealt with in *Grand Theft Auto IV (Unedited Version)* when Niko picks up a prostitute. He has options for services including masturbation, fellatio and intercourse at different prices. Masturbation is represented by the woman's hand moving up and down over Niko's lap, fellatio by the woman moving her head up and down over Niko's lap, and intercourse by the woman sitting on Niko's lap and moving up and down.

The sexual activity is accompanied by explicit sexual verbal cues, some of which are delivered in a monotone for satirical effect.

The purpose of visiting the prostitute is to increase the player's health, and has no bearing on the story beyond that. The sexual content is unlikely to cause significant arousal, it is seen at a distance and genitals are not displayed.

The player is able to visit a strip club with pole dancers. Niko has a private audience with a woman in a bikini gyrating her buttocks in front of him.

The sexual content is limited and not explicit, but it is appropriate to be restricted to adults.

Crime

Grand Theft Auto IV (Unedited Version) deals extensively with matters of crime including murder, manslaughter, dangerous driving, misuse of firearms, kidnapping, assault, drug use and dealing, illegal immigration, car conversion, drunk driving and willful damage.

The player is able to explore the city at will and commit numerous crimes incidental to the missions.

Cruelty and Violence

There are significant depictions of infliction of serious physical harm and acts of cruelty in *Grand Theft Auto IV (Unedited Version)*. This includes the player's ability to attack civilians and police at will, using pistols, shotguns, sniper rifles, rocket launchers and grenades. There is also the use of a baseball bat and knife. The subjects' bodies spurt blood and flail about, depending on the extent of the weaponry used and the closeness.

Matters of cruelty include shooting and maiming people, blowing up vehicles which clearly have people inside them, and setting fire to people with Molotov cocktails. There is one particular incident where a person is hit by a Molotov cocktail and runs around on fire before collapsing.

Section 3(2)

The Board considered section 3(2)(f) of the Act, which requires the publication to be deemed objectionable if the publication promotes or supports, or tends to promote of support, the infliction of extreme violence or extreme cruelty.

The Board finds that there are acts of extreme violence or extreme cruelty in *Grand Theft Auto IV (Unedited Version)* which include murder, shooting, maiming and, in particular, the incident where a person is set alight with a Molotov cocktail and runs around before collapsing. The time it takes for the figure to "die" adds to the cruelty aspect.

For activities to come within section 3(2)(f) they cannot simply be described. In the decision of *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 ("Moonen I") it states "that a publication must advance, encourage, uphold or strengthen, rather than merely describe, depict or deal with torture or the infliction of extreme violence or cruelty for it to be deemed objectionable under that provision".

The Board finds that there are always consequences for the infliction of extreme violence or extreme cruelty with the police often quickly on the scene, attempting to arrest the perpetrator. The police appear to be called by bystanders. The Board therefore does not find that the publication promotes or supports, or tends to promote or support, the infliction of extreme violence or extreme cruelty and consequently finds that section 3(2)(f) does not apply to *Grand Theft Auto IV (Unedited Version)*.

Section 3(3)

In considering if a classification other than objectionable is appropriate for *Grand Theft Auto IV (Unedited Version)*, the Board must consider section 3(3) of the Act. The appropriate sections in respect of the publication are sections 3(3)(a)(i), (ii) and (iii), (c), (d) and (e).

Section 3(3)(a)(i)

The Board has to consider the extent and degree to which, and the manner in which, the publication describes, depicts or otherwise deals with the infliction of serious physical harm or acts of significant cruelty.
The extent and degree to which the publication depicts or otherwise deals with the infliction of serious physical harm or acts of significant cruelty is high. Previous examples such as setting fire to one character, shooting others to kill and maim, blowing up vehicles in which there are characters, as well as other examples provided earlier in the decision. The Board considers that an age restriction is necessary because of the extent and degree of the infliction of serious physical harm and acts of significant cruelty.

Section 3(3)(a)(ii)

The Society for the Promotion of Community Standards made significant submissions regarding the activities of Niko with the prostitute whom he later killed. The Board finds that the killing of the prostitute was unrelated to sex. The purpose was to reclaim the money that Niko had paid to her for her services. The Board therefore finds that section 3(3)(a)(ii) does not apply.

Section 3(3)(a)(iii)

There is no definition within the Act of the terms *degrading*, *dehumanising*, or *demeaning*. The Concise Oxford Dictionary (COD) definition of:

degrading is:- "degrade – reduce to lower rank, esp., as punishment; bring into honour or contempt"

dehumanising is: - "dehumanise – divest of human characteristics; make impersonal or machine-like"

demeaning is: - "demean – lower the dignity of".

The Board did not find the sexual conduct in *Grand Theft Auto IV (Unedited Version)* to be degrading, dehumanising or demeaning. The use of a prostitute was legal and the contract was entered into consensually. There was no activity undertaken which appeared to degrade, demean or dehumanise either of the participants. The fact that the use of a prostitute may not be acceptable to some members of our society does not mean that the activity is degrading, demeaning or dehumanising.

With respect to physical conduct of a degrading, dehumanising or demeaning nature, the Board accepts that people were killed and maimed, but that this was undertaken in a straightforward manner without any additional activity which could have been interpreted as degrading, dehumanising or demeaning of the characters involved.

Section 3(3)(c)

Section 3(3) (c) of the Act was considered by the Board, which did not find that the criminal activity or violence or sexual activity was undertaken in a way that was degrading,

dehumanising or demeaning. The characters were portrayed as physically similar to humans, but were clearly not human. The player was unlikely to form a close identification with the characters which were clearly non-human.

Section 3(3)(d)

The Board has to consider if the publication promotes or encourages criminal acts. Neither *promotes* or *encourage* are defined in the Act:

promotes is defined in the COD as "promotes – help forward or encourage"

encourage is defined in the COD as "encourage – urge, advise, stimulate by help".

The Board accepts that there are a number of criminal acts depicted in *Grand Theft Auto IV (Unedited Version)* including murder, assault, car conversion, kidnapping, drunk driving, the sale and use of drugs, and likely breaches of the Immigration Act to name but a few. The issue for the Board is whether the publication promotes or encourages these criminal acts.

The Board finds that the publication does not promote or encourage the criminal acts. To the contrary, there is frequent police intervention when crimes are committed, and Niko has to try to escape from the police. The police are armed and active. The Board accepts the distributor's submission: "the punishment is always enforced when a crime is committed with the character, Niko Bellic, being chased by the police which often either results in being hospitalised or delay in completing missions."

The Board therefore finds that *Grand Theft Auto IV (Unedited Version)* does not promote or encourage criminal acts.

Section 3(3)(e)

The Board considered whether the negative comments about Albanians and others, made particularly by Niko's cousin, Roman, offended against section 3(3)(e) of the Act by representing that members of any particular class of the public are inherently inferior to other members of the public by reason of race, ethnic or national origins. These are prohibited grounds of discrimination specified in section 21(1) of the Human Rights Act 1993.

The Board considered that the comments made by Roman and others were reflective of the fact that the Albanian men were loan-sharks and enemies of Roman and others, and hence the comments were directed at the men rather than a particular prohibited ground of discrimination in the Human Rights Act. The Board, therefore, did not find that section 3(3)(e) applied.

Section 3(4)

In determining whether a publication is objectionable or should be given a classification other than objectionable, the factors in section 3(4) of the Act must be considered.

(a) Dominant Effect

The dominant effect of *Grand Theft Auto IV (Unedited Version)* is a dramatic and violent video game with a story line and narrative. The characters are presented in such a way that there is no empathy or engagement with them.

(b) Impact of the Medium

The impact of the medium is high as it is interactive, with the player having decision-making powers. The repetitive nature of the activities lessens the impact to some extent. The degree of parody lessens the impact of the violent acts.

(c) Character including Merit

The product and sound quality in *Grand Theft Auto IV (Unedited Version)* are very high. The publication does not have literary, artistic, social, cultural, educational, scientific, or other merit or importance.

(d) Persons, Classes or Age groups to Whom the Publication is Intended, or Likely to be Made Available to

The publication is intended for adults. It is likely to be appealing to teenage males.

(e) The Purpose of the Publication

Grand Theft Auto IV (Unedited Version) is intended for entertainment.

(f) Any Other Relevant Circumstances

There are no other relevant circumstances.

Section 3A

Under section 3A of the Act, the Board must consider if *Grand Theft Auto IV (Unedited Version)* should be age restricted if it contains highly offensive language likely to cause serious harm.

The Board finds that some language in the publication is highly offensive, and is used to such an extent and degree that if the publication were not restricted by age, it is likely to cause serious harm to persons under that age.

There is extensive usage of the term "mother fucker" and other expletives. The Board finds that if not restricted to persons 18 years and over, younger persons may be caused serious harm. Research carried out by the Office of Film and Literature Classification found that "mother fucker" is a term which has limited acceptance in New Zealand (*Public Perceptions of Highly Offensive Language, November 2007*).

Bill of Rights Act 1990

The Board applied the Bill of Rights Act1990 and the 5-step process under *Moonen I* in making its decision.

The Age Restriction

It is the Board's opinion that restriction on playing or watching *Grand Theft Auto IV (Unedited Version)* by persons under 18 years of age is justified, due to society's wish to protect children and young persons from likely injury, yet provides the minimum interference with the rights under the Bill of Rights Act.